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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,836	11/19/2003	Neil T. Shinner	081557-0306904	3631

27799 7590 12/06/2006

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EXAMINER

SANTOS, ROBERT G

ART UNIT PAPER NUMBER

3673

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,836	<b>Applicant(s)</b> SHINNER, NEIL T.	
	<b>Examiner</b> Robert G. Santos	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification must be corrected to provide antecedent basis for all of the limitations as recited in claims 43 and 44.

### ***Claim Objections***

2. Claims 12, 14 and 21 are objected to because of the following informalities: In the last line of claims 12, 14 and 21: The term --blanket-- should be inserted before “pocket”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. Claims 43 and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. All of the limitations as recited in claims 43 and 44 are considered as not being properly described in the specification as originally filed.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 and 16-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills '734 in view of Ishikawa '749, and further in view of U.S. Pat. No. 5,727,489 to Braverman and Barajas '331. Mills '734 is considered to show all of the limitations as recited in claims 1-8 and 16-35 (note especially Figures 5-10 & 14; column 3, lines 25-68; column 4, lines 1-5 & 12-58; column 5, lines 1-43 & 47-68; and column 6, lines 1-13 & 51-57) except for the use of a hood attached to an edge of the blanket, the hood being open at a face and including fabric to form a mask printed to take the appearance of a character; a hood storage pocket attached to the blanket; and fastening means to secure the blanket around a user's shoulders. Ishikawa '749 provides the basic teaching of a convertible blanket (2) provided with a hood (3) attached to an edge of the blanket; Braverman '489 provides the basic teaching of a blanket (128) provided with a hood (112) being open at a face and including fabric (50) to form a mask (70) printed to take the appearance of a character (as shown in Figures 3 & 10 and as described in column 3, lines 49-54, & 63-67 and column 5, lines 25-33); and Barajas '331 provides the basic teaching of a convertible blanket (12) further including a hood storage pocket (40) and fastening means (29) to secure the blanket around a user's shoulders. The skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Mills '734 with a hood attached to an edge of the blanket in order to increase the versatility of the

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blanket as desired; furthermore, the skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Mills '734, as modified by Ishikawa '749, with a hood being open at a face and including fabric to form a mask printed to take the appearance of a character in order to impart a decorative effect to the blanket as desired; lastly, the skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Mills '734, as modified by Ishikawa '749 and as further modified by Braverman '489, with a hood storage pocket and fastening means to secure the blanket around a user's shoulders in order to maintain the hood in close proximity to the blanket when not in use as desired and to ensure proper placement of the blanket relative to the user when the hood is in use, respectively.

With regards to claims 9-14, Mills '734 does not specifically disclose the exact dimensions of the blanket pocket opening, width and depth. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the convertible blanket of Mills '734 with a pocket having the particular opening, width and depth dimensions as claimed by Applicant, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills '734 in view of Ishikawa '749, Braverman '489 and Barajas '331, and further in view of U.S. Pat. No. 5,920,931 to Zuehlke et al. Mills '734, as modified by Ishikawa '749 and as further modified by Braverman '489 and Barajas '331, does not specifically disclose a condition wherein the blanket

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is made from a man-made fleece material. Zuehlke et al. '931 provide the basic teaching of a convertible blanket (12) formed from fleece (26). The skilled artisan would have found it obvious at the time the invention was made to form the convertible blanket of Mills '734, as modified by Ishikawa '749 and as further modified by Braverman '489 and Barajas '331, from a man-made fleece material in order to provide a simple alternative supporting element which imparts enhanced user comfort as desired.

7. Claims 36 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills '734 in view of Ishikawa '749, and further in view of Braverman '489. Mills '734 is considered to show all of the limitations as recited in claims 36 and 39-41 (note especially Figures 5-10 & 14; column 3, lines 25-68; column 4, lines 1-5 & 12-58; column 5, lines 1-43 & 47-68; and column 6, lines 1-13 & 51-57) except for the use of a hood attached to an edge of the blanket, the hood being open at a face including fabric to form a mask printed to take the appearance of an object or character or portion thereof and configured with at least one feature corresponding to the appearance of the object or character. Ishikawa '749 provides the basic teaching of a convertible blanket (2) provided with a hood (3) attached to an edge of the blanket, whereas Braverman '489 provides the basic teaching of a blanket (128) provided with a hood (112) being open at a face including fabric (50) to form a mask (70) printed to take the appearance of an object or character or portion thereof (as shown in Figures 3 & 10 and as described in column 3, lines 49-54, & 63-67 and column 5, lines 25-33) and configured with at least one feature (120) corresponding to the appearance of the object or character. The skilled artisan would have found it obvious at the time the invention was made to provide the

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convertible blanket of Mills '734 with a hood attached to an edge of the blanket in order to increase the versatility of the blanket as desired; furthermore, the skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Mills '734, as modified by Ishikawa '749, with a hood being open at a face including fabric to form a mask printed to take the appearance of a character or portion thereof and configured with at least one feature corresponding to the appearance of the object or character in order to impart a decorative effect to the blanket as desired.

8. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills '734 in view of Ishikawa '749, and further in view of Braverman '489 and Barajas '331. Mills '734, as modified by Ishikawa '749 and as further modified by Braverman '489, does not specifically disclose the use of a hood storage pocket attached to the blanket and fastening means to secure the blanket around a user's shoulders. Barajas '331 provides the basic teaching of a convertible blanket (12) including a hood storage pocket (40) and fastening means (29) to secure the blanket around a user's shoulders. The skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Mills '734, as modified by Ishikawa '749 and as further modified by Braverman '489, with a hood storage pocket and fastening means to secure the blanket around a user's shoulders in order to maintain the hood in close proximity to the blanket when not in use as desired and to ensure proper placement of the blanket relative to the user when the hood is in use, respectively.

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9. Claims 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills '331 in view of U.S. Pat. No. 5,987,667 to Haverly et al. Mills '331 does not specifically disclose the use of a second blanket pocket attached to the side of the blanket opposite from the first blanket pocket and having an appearance different from the first blanket pocket, wherein the first and second blanket pockets are intended to be turned inside out. Haverly et al. '667 provide the basic teaching of a convertible blanket (1) provided with first and second pockets (8) respectively disposed on first and second opposed sides of the blanket, wherein the interior and exterior surfaces of each pocket are provided with different fabric patterns (as shown in Figures 2 & 16 and as described in column 3, lines 48-51) and wherein the blanket pockets are intended to be turned inside out (as described in column 3, lines 36-40). The skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Mills '331 with a second blanket pocket attached to the side of the blanket opposite from the first blanket pocket and having an appearance different from the first blanket pocket, wherein the first and second blanket pockets are intended to be turned inside out, in order to provide the user with "different decorative options" as desired (see Haverly et al. '667, column 3, lines 50-51).

10. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills '734 in view of Haverly et al. '667, and further in view of Ishikawa '749 and Braverman '489. Mills '734, as modified by Haverly et al. '667, does not specifically disclose the use of a hood attached to an edge of the blanket, the hood being open at a face including fabric to form a mask. Ishikawa '749 provides the basic teaching of a convertible blanket (2) provided with a hood (3) attached to an edge of the blanket, whereas Braverman '489 provides the basic teaching of a



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blanket (128) provided with a hood (112) being open at a face including fabric (50) to form a mask (70) (as shown in Figures 3 & 10 and as described in column 3, lines 49-54, & 63-67 and column 5, lines 25-33). The skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Mills '734, as modified by Haverly et al. '667, with a hood attached to an edge of the blanket in order to increase the versatility of the blanket as desired; furthermore, the skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Mills '734, as modified by Haverly et al. '667 and as further modified by Ishikawa '749, with a hood being open at a face including fabric to form a mask in order to impart a decorative effect to the blanket as desired.

#### *Response to Amendment*

11. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bates '343, Nielsen et al. '816, DuQue '910 and Khan '241.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
December 1, 2006